

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

FILED  
COURT OF APPEALS  
DIVISION II

2015 APR -8 PM 2:51

STATE OF WASHINGTON

BY cm  
DEPUTY

STATE OF WASHINGTON )

Respondent, )

v. )

JUSTIN S. FESSEL, )

(your name) )

Appellant. )

No. 46516-7-II

STATEMENT OF ADDITIONAL  
GROUND FOR REVIEW

I, JUSTIN S. FESSEL, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

1) PROSECUTORIAL MISCONDUCT: During trial, 6.11.2014, defense was approached by Mr. Jeff Riback, who was set to testify against me. During the conversation, he made apparent that there was an interview between himself and Mrs. Jeannie Bryant, the prosecutor. After our return from a recess, my counsel ask Mrs. Bryant to over any notes or anything pertaining to the interview. The prosecutor says that she hasn't withheld anything exculpatory from defense and that she doesn't think Mr. Riback has told her anything different than what he told defense. Only after scrutiny from the defense counsel and the court does Mrs. Bryant admit to having a recording of the meeting between Mr. Riback and herself. This is a violation of CrR4.7(1)(i).

Additional Ground 2

2) CLERICAL ERROR AT ARRAINMENT: On 8.23.2013, there was a clerical error that mixed up three(3) pending cases in court. My counsel specifically asked for my VEHICULAR ASSUALT case first, my BAIL JUMP case second, and my POSSESSION case set for tracking, which the judge GRANTED. This was asked because the more severe of the cases, ASSUALT or THE VEHICLE case, carried stiffer penalties. This clerical error was prejudicial by forcing me to sing a speedy trial waiver in order to get my dates straightened out. On 8.31.2013, at a pretrial hearing for the pending VEHICULAR ASSUALT case, I put on record this clerical error and how it affected both cases.

If there are additional grounds, a brief summary is attached to this statement.

Date: 3rd day of APRIL, 2015.

Signature: Justin S. Fessel

Form 23

page I.

CERTIFICATE OF SERVICE

I certify that I mailed

1 copies of SAG  
to App Counsel  
& Pres. Office  
4/8/15  
Date Signed